

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

16501-16525

[Approved by the Secretary of Agriculture, Washington, D. C., November 27, 1929]

16501. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter.
Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23847. I. S. No. 02950. S. No. 1981.)

On May 14, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Nantahala Creamery Co., Franklin, N. C., from Murphy, N. C., on or about May 6, 1929, and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 28, 1929, the Nantahala Creamery Co., Franklin, N. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16502. Adulteration and misbranding of frozen eggs. U. S. v. 1530 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23781. I. S. Nos. 02700, 08151, 08152, 08153, 08154. S. No. 1991.)

On May 28, 1929, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,530 cans of frozen eggs at Pittsburgh, Pa., alleging that the article had been shipped by the J. A. Long Co., from Winchester, Ind., in various consignments, between the dates of August 4, 1928 and May 14, 1929, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1929, the J. A. Long Co., Winchester, Ind., having appeared as claimant for the property and having consented to its condemnation and forfeiture, judgment was entered ordering that the product be released to the said

claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16503. Adulteration of canned cherries. U. S. v. 8 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22819. I. S. Nos. 18350-x, 18727-x. S. No. 870.)

On June 19, 1928, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cases of canned cherries at Beaver Falls, Pa., alleging that the article had been shipped by Winters & Powell Canning Co., from Rushville, N. Y., on or about October 15, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Brand Red Sour Pitted Cherries * * * Winters & Powell Canning Co., Inc. Rushville, New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 7, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16504. Adulteration and misbranding of tomato puree. U. S. v. 7½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23298. I. S. No. 03267. S. No. 1412.)

On January 3, 1929, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7½ cases of tomato puree, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by William Laning & Son Co., from Bridgeton, N. J., on or about October 25, 1928, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Silver Lake Whole Tomato Puree. * * * Packed by Wm. Laning & Son Co. Bridgeton, N. J. (cut of whole red ripe tomato)."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Whole Tomato Puree" and the design of a whole red ripe tomato, borne on the label, were false and misleading and deceived and misled purchasers when applied to a tomato puree product made from tomato cores and trimmings.

On June 15, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16505. Adulteration and misbranding of butter. U. S. v. One 30-Pound Case, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23836. I. S. Nos. 04174, 04175. S. No. 2074.)

On June 26, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of one 30-pound case, one 20-pound case, three 30-pound boxes, three 20-pound boxes, and twenty-five 1-pound prints of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped from the Mountain View Creamery Co., Purcellville, Va., on or about June 15, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Butter * * * Mountain View Creamery Co., Purcellville, Virginia One Pound Table Queen," and "Mountain View Butter, Purcellville, Va., * * * One Pound Net."